

06.11.2025

Court No.35.

D/L. 5.

sudipta

(Allowed)

CRM (M) 1734 of 2025

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/ under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Tamluk Police Station Case No. 829 of 2022 dated 14.09.2022 under Sections 302 / 201 / 34 of the Indian Penal Code and under Sections 25 / 27 of the Arms Act.

And

In the matter of : Sk. Motiul @ Sk Maitul @ Anna @ Anand

.....Petitioner

Mr. Milon Mukherjee, Sr. Adv.

Mr. Smartajit Sarkar

.....for the Petitioner.

Mr. Bitasak Banerjee

Mr. Sufi Kamal

.....for the State.

Mr. Mukherjee, learned Senior Advocate, appearing on behalf of the petitioner has drawn the attention of the Court to the order dated 06.12.2024 passed in CRM (DB) 2582 of 2024. Learned Senior Advocate has further submitted that the petitioner is in custody for one year eight months and majority of the persons have been released on bail.

Learned Advocate for the State has opposed the prayer for bail and submitted that the order which has been referred to by the learned Senior Advocate appearing for the petitioner is not based on merits but under Article 21 of the Constitution of India. Attention of the Court has been drawn to the statement under Section 164 Cr.P.C. in respect of one of the witnesses.

The prayer for bail has also been opposed on the ground that the present petitioner was absconding for a substantial period of time particularly, during the course of investigation and subsequently surrendered before the learned Trial Court.

I have considered the materials in the Case Diary as well as the locus of the accused who has been released on bail. Having considered the complicity of the present petitioner in relation to the accused who has been granted bail, I am of the view that further detention of the petitioner is unwarranted as such the petitioner is released on bail.

Accordingly, the petitioner i.e. **Sk. Motiul @ Sk Maitul @ Anna @ Anand** shall furnish bond of Rs. 20,000/- (Rupees Twenty Thousand only), with two sureties of like amount each, one of whom must be local to the satisfaction of the learned Chief Judicial Magistrate, Tamluk. If on bail, the petitioner shall not leave the jurisdiction of Purba Midnapore and shall report to Tamluk Police Station once in a week till further orders of this Court. Petitioner shall also be physically present on each and every date fixed by the learned Trial Court.

Accordingly, CRM (M) 1734 of 2025 is allowed.

Case Diary be returned to the learned advocate appearing for the State.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)